

REMARKS

Claims 1, 3-5, 10-14 and 16-28 remain in this application. Claims 16-28 stand withdrawn from consideration. Applicant respectfully requests re-examination.

The Office Action objected to the title as not being descriptive. Applicant has amended the title in the manner suggested in the Office Action.

Claim 3 was objected to because it contained the word "and." Claim 3 has been amended to clear up this typographical error. Applicant respectfully requests that this objection be withdrawn.

Claims 1-3, 6 and 15 were rejected under 35 U.S.C. §102(b) as anticipated by *Segrest* (US 5,515,971). Applicant respectfully traverses.

Segrest is directed to an apparatus for transporting elongated bulbs, such as fluorescent tubes. *Segrest* is not concerned with a light bulb disposal container. Therefore, he provides a transporting container which cushions the fluorescent tube at the extreme ends of the container and generally provides a container that will protect the fluorescent tube from damage during transport. In order to facilitate removal of the tube which is snugly contained by the resilient cushions within the container, *Segrest* provides for a finger access, shown in Figure 6, to urge the fluorescent tube out of the container.

Although *Segrest* discloses a flexible filter element 29 in his transport apparatus 10, its purpose is to contain any mercury, lead or cadmium within the container, if the fluorescent tube accidentally breaks during transport. *Segrest* specifically notes that the filter element 29, which covers the access port 28, serves as an air passage coextensive and proximal to the access port 28 to facilitate equalization of any pressure differential between the inside of the transport apparatus 10 and the outside. Specifically, *Segrest* notes that the filter 29 is any form of flexible

air-pervious diaphragm with a woven fabric material such as SPANDEX. *Segrest* is not concerned with containing any gaseous material that may be emitted from the fluorescent tube as a result of breakage. Nor is *Segrest* concerned with an insert in his container that absorbs any gases released from a broken light bulb.

The present invention is directed to a disposal container for spent light bulbs that is a seamless tube of puncture resistant plastic, open at one end and sealed at the other end, and a means for sealing the open end, after the spent light bulb is inserted, thereby providing a gas impervious container. Being gas impervious is important in a light bulb disposal container because of the noxious gases and metals contained in fluorescent tubes, for example, so that in case the tube is damaged during storage, or transport to a waste facility, the noxious gases will be contained within the container. *Segrest's* transport apparatus would not contain the noxious gases. His container is constructed to provide for equalized pressure between the inside and outside of the container. When pressure inside builds up, the gases escape outside.

Applicant respectfully requests that this rejection be withdrawn.

Claims 4, 5, 7 and 8 were rejected were rejected under 35 U.S.C. §103(a) as unpatentable over *Segrest* in view of *Cullen* (US 5,069,694). Applicant respectfully traverses.

Cullen is directed to a packet of bulk material wrapped in carbon loaded paper to be inserted in an environment for the purpose of removing undesirable odor and moisture. *Cullen's* carbon loaded paper envelope absorbs the undesirable odors, while the bulk material within the envelope absorbs the moisture. The bulk material may be any suitable desiccant absorbent such as silica gel, metal alumina, silicate, etc.

Cullen does not show, teach or anticipate using a desiccant that contains a “sulfur-impregnated activated carbon.” That is, because *Cullen* is not concerned with neutralizing mercury, as is the present invention.

The present invention not only absorbs the gases that are emitted from a fluorescent tube, but neutralizes the mercury that escapes when a tube is broken.

Cullen is not concerned with this problem, and does not present any solution. Applicant respectfully requests that this rejection be withdrawn.

Claim 9 is rejected under 35 U.S.C. §103(a) as unpatentable over *Segrest* in view of *Thrall* (US 6,315,448). Applicant respectfully traverses. However, claim 9 has been cancelled without prejudice.

Claim 10 was rejected under 35 U.S.C. §103(a) as unpatentable over *Segrest* in view of *Thrall* and further in view of *Lawrence et al* (US 5,553,708). Applicant respectfully traverses.

The Office Action correctly notes that the combination of *Segrest* and *Thrall* does not disclose a puncture resistant light mil plastic layer with a heavy paper liner. The Office Action relies on *Lawrence et al* to disclose a heavy paper liner disposed in a light mil plastic bag. Applicant respectfully traverses. Apparently the paper liner that the Office Action is referring to are the multiple sleeves 22 of *Lawrence et al*, which are inserted in the plastic bag contained within container 20.

The sleeves 22 of *Lawrence et al* are made from a spirally wound strip of paper board to form a smooth tube. The diameter of these sleeves is close to the diameter of a fluorescent lamp 12 so it closely encircles the lamp. These sleeves are then arranged in the bag 26 to extend between the end pads of the container 20.

Lawrence et al is not concerned with providing a light bulb disposal container. He is concerned with providing a package for shipping fluorescent bulbs in a manner which will prevent breakage in transit. Because *Lawrence et al* is using these tight paper sleeves around each one of his fluorescent tubes, he is not concerned with using a puncture resistant plastic bag, relying instead on the individual sleeves 22 to contain any breakage that may occur.

Thrall's multi-wall bag with peelable opening is not directed to providing a disposal container for light bulbs. *Thrall*, like all the container references of record, have no concern for containing gases from escaping into the atmosphere.

Applicant respectfully requests that this rejection be withdrawn.

Claims 11-14 were rejected under 35 U.S.C. §103(a) as unpatentable over *Segrest* in view of *Thrall* and *Lawrence et al* as applied to claim 10, and further in view of *Cullen*. Applicant respectfully traverses.

Applicant reasserts here the arguments set forth above for the patentability of claims 1 and 10 and notes again that *Cullen* does not show, teach or imply the use of sulfur-impregnated activated carbon or sulfur in any form. *Cullen* is not concerned with neutralizing mercury that may escape from a broken fluorescent bulb.

Applicant requests that this rejection be withdrawn.

In light of the above amendment and remarks, Applicant respectfully submits that none of the references of record, either singly or in any combination, teach the invention as claimed. Applicant respectfully requests that the claims under consideration be allowed, and Applicant provided early notification of same.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 23, 2006.

By: Linda Bakke



Signature

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Very truly yours,

SNELL & WILMER L.L.P.



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